

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES LIFE INSURANCE)
COMPANY OF AMERICA IN THE)
CITY OF NEW YORK,)
Plaintiff,)
vs.) CASE NO: CV-07-1071
RONNIE JAMES HERRING, MD,)
Defendant.)

**JOINT STATUS REPORT DONE PURSUANT
TO THIS COURT'S ORDER OF MARCH 10, 2008**

COME NOW the parties, jointly as ordered, and hereby report the status of the bankruptcy proceedings and the automatic stay as follows:

- 1). Attorneys for Dr. Herring in the above styled cause appeared in the Untied States Bankruptcy Court of the Northern District of Alabama on April 8, 2008 at 11:00am for hearing on their previously filed application for employment for the debtor. (Exhibit "A")
- 2). At said time and place, Dr. Herring's bankruptcy attorneys withdrew Dr. Herring's previously filed Motion to Convert Case to Chapter 13, and the Case remained a Chapter 7 bankruptcy case (the aforementioned application for employment for the debtor thus became moot). (Exhibit "A").
- 3). The Trustee for the estate, James G. Henderson, subsequently filed an Application by the Trustee to Employ Special Attorney(s) for the Estate seeking to have

the undersigned employed to represent the estate in the Chapter 7 proceedings.
(Exhibit "B").

4). Hearing on Application to Employ Attorneys has been set for June 3, 2008, before the Untied States Bankruptcy Court of the Northern District of Alabama.
(Exhibit "C").

DATED this the 29th day of May, 2008.

Respectfully submitted,

//Christopher E. Sanspree//
CHRISTOPHER E. SANSPREE (SAN048)
Attorney for Dr. Herring

OF COUNSEL:

SANSPREE & McRIGHT, LLC
603 Martha Street
Montgomery, Alabama 36104
(334) 262-1001
(334) 262-1002 facsimile

//David P. Donahue//
DAVID P. DONAHUE
Attorney for U.S. Life Insurance Company
Of America for the City of New York

OF COUNSEL:

MAYNARD, COOPER & GALE, P.C.
1901 Sixth Avenue North
2400 AmSouth Harbert Plaza
Birmingham, AL 35203-2618

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA - SOUTHERN DIVISION**

In the Matter of:

Ronald James Herring	}	Case No: 08-00633-TBB7
SSN: XXX-XX-7956	}	
Elizabeth Johnston Herring	}	
SSN: XXX-XX-7982	}	
DEBTOR(S).	}	

ORDER

This matter came before the Court on Tuesday, April 08, 2008 11:00 AM, for a hearing on the following:

- 1) RE: Doc #14; Motion to Convert Case to Chapter 13
- 2) RE: Doc #16; Application for Employment of Professional Persons and for Approval of Fees filed by Christopher E. Sanspree

Proper notice of the hearing was given and appearances were made by the following:

James G Henderson (Trustee)
Elizabeth Johnson, Attorney for Debtors
Jon Dudeck, Attorney for Bankruptcy Administrator
Christopher E Sanspree, Applicant for Special Counsel to Debtors

It is therefore ORDERED ADJUDGED and DECREED that:

Based on arguments of counsel, the pleadings, the evidence before the Court, and the findings of fact and conclusions of law set forth on the record and incorporated herein by reference, the motion to convert case to chapter 13 is WITHDRAWN, and the application to employ Christopher E. Sanspree, as Special Counsel for the Debtor is MOOT.

Dated: 04/16/2008

/s/ THOMAS BENNETT
THOMAS BENNETT
United States Bankruptcy Judge

EXHIBIT

A

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

APPLICATION BY THE TRUSTEE
TO EMPLOY SPECIAL ATTORNEY(S) FOR THE ESTATE

Pursuant to 11 U.S.C. § 327(e) and § 328 and Federal Rule of Bankruptcy Procedure 2014(a),

the Trustee of the above captioned bankruptcy case

the Debtor-In-Possession of the above captioned bankruptcy case

requests the Court to approve the employment of:

**Christopher E. Sanspree, Esq.
Sanspree & McRight, LLC
603 Martha Street
Montgomery, AL 36104**

(hereinafter referred to as "Attorney")

1. The Attorney whose employment is requested
 - a. is professionally qualified and licensed, if required, for such employment;
 - b. does not hold or represent an interest adverse to the estate;
 - c. is a disinterested person as that term is defined in Section 101(14) of the Bankruptcy Code;
 - d. has not served as an examiner in this case;



e. if an attorney, is admitted to practice in the U. S. District Court of Alabama, and

f. is not a relative of the Bankruptcy Judge approving the employment sought herein or a relative of the Bankruptcy Administrator for the Northern District of Alabama.

2. The Attorney is not employed by and does not represent a creditor in this case unless indicated under (a) below.

a. The Attorney is employed by or represents the following creditor(s), but Applicant is not aware of any objection by another creditor to the Attorney's employment or of any actual conflict of interest if the employment here requested is approved (if none, so state) None.

3. The specific facts showing the necessity for the employment here requested as follows:

This attorney is handling a lawsuit for the Debtor.

4. The professional services to be rendered are as follows:

To represent the Trustee's interests in the above described action.

5. The reasons for the selection of the Attorney:

This Attorney is qualified and experienced in actions of this type and was selected for expediency and economy to the estate.

6. All of the Attorney's connections with the debtor, creditors, any other parties in interest, the respective attorneys and accountants, the Bankruptcy Administrator, or any person employed in the Office of the Bankruptcy Administrator and with their respective attorneys and accountants, are as follows: (If none, so state)

7. Except as stated below, the representations made in this Application with respect to the Attorney apply to each of the Attorney's partners and associates and members of the firm, professional corporation or other entity with whom or with which said person is professionally associated.

None.

8. With the condition that the court may allow different compensation after the conclusion of the Attorney's employment if the terms and conditions here proposed prove to have been improvident in light of developments not capable of being presently anticipated, Attorney proposes the following reasonable terms and conditions of Attorney's employment:

Hourly basis for said person and for each other person expected to perform work and to be included in any application for compensation:

Contingent fee basis (if applicable): See Attached **Exhibit AA@**

Other: N/A

James G. Henderson, Trustee

VERIFIED STATEMENT OF PERSON TO BE EMPLOYED

I have read the above and foregoing Application. As required by Federal Rule of Bankruptcy Procedure 2014(a), and in accordance with Federal Rule of Bankruptcy Procedure 9011(b) and 28 U.S.C. Section 1746, I declare under penalty of perjury that the statements there made with reference to me and my professional associates are true and correct. I have no connection with any creditors of this estate, any other parties in interest, the respective attorneys and accountants, the Bankruptcy Administrator, or any person employed in the Office of the Bankruptcy Administrator, or with their respective attorneys or accountants, and the only connection with the Debtor is my representation of same in this case.

This the 16 day of April, 2008.

E.Kidd

Witness

Christopher E. Sanspre

Christopher E. Sanspre

CERTIFICATE OF SERVICE

I hereby certify that on this the _____ day of _____, 2008 I caused to be deposited into the regular United States Mail, a copy of the above and foregoing Application, enclosed in a sealed envelope with first class mail postage prepaid, addressed to the following:

Mr. Valrey W. Early, III, Esq.
Bankruptcy Administrator
1800 Fifth Avenue North
Birmingham, AL 35203

Mr. Matthew Dunaway
Attorney at Law
P. O. Box 531168
Birmingham, AL 35253

OF COUNSEL

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

In re:

RONALD JAMES HERRING,) Case No. 08-00633-TBB-7
ELIZABETH JOHNSTON HERRING)
Debtors.)

**ORDER REQUIRING NOTICE AND HEARING ON
APPLICATION TO EMPLOY ATTORNEYS**

This proceeding having come before the Court on the Trustee's Application for Approval of Employment of Professional Persons, Sanspree & McRight, LLC, as **Attorneys** representing or assisting in carrying out the duties of the Trustee under Title 11 of the United States Code; said attorneys having requested that their charges for fees be paid on a contingency basis at the rate of all amounts collected, it is desirable that creditors have an opportunity to object to the terms of the employment if they wish to do so.

It is **ORDERED, ADJUDGED, AND DECREED** that **NOTICE** is hereby given to all creditors and the Bankruptcy Administrator that the Trustee's Application to Employ Sanspree and McRight, LLC, as its attorneys will be heard in **Courtroom Number 1 of this Court, at 11:00 A.M. on June 3, 2008**, to hear objections, if any to the approval of such employment. If there are no objections, the employment may be approved.

Dated: April 28, 2008

/s/ Thomas B. Bennett
United States Bankruptcy Judge

